



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,182	12/18/2001	Jean-Claude Sauvestre	032013-036	8471

21839 7590 03/24/2003

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

TUDOR, HAROLD JAY

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 10/018182	Applicant(s) Sammastre	
	Examiner Tudor H.J.	Art Unit 3641	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the corresponding address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 3-3-03 4-12-18-01
- ☐ This action is **FINAL**. ☒ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in this application.
- Of the above claim(s) 4, 6, 8, 9, 13, 16 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 2, 3, 5, 7, 10-12, 14, 15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☒ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Art Unit: 3641

1. Applicant has elected, without traverse, species A, Fig. 1. Claims 1-3, 5, 7, 10-12, 14 and 15 read on the elected species. Claims 4, 6, 8, 9, 13, 16 and 17, drawn to the non-elected species, have been withdrawn from consideration in accordance with 37 CFR 1.142(b).

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 5, 7, 10-12, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "which may", in line 3 of claim 1, is vague and indefinite in that it does not particularly point out and distinctly claim the invention. There is no positive antecedent basis for "the body of the bullet", in line 4 of claim 1, "the front face of the internal core", in lines 1 and 2 of claim 5, and "the front face of the front part of the bullet", in line 2 of claim 5.

Art Unit: 3641

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 7, 14 and 15, as far as they can be understood because of their indefiniteness, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Winter 6,148,731, note for example Fig. 9:

6. Claims 1, 7, 10, 11, 14 and 15, as far as they can be understood because of their indefiniteness, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schirneker 4,685,397.

7. Claims 1-3, 7, 14 and 15, as far as they can be understood because of their indefiniteness, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Knappworst et al.

Art Unit: 3641

8. Claims 1-3, 7 and 14, as far as they can be understood because of their indefiniteness, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Petrovich et al 5,185,495.

9. Claims 1-3, 7, 14 and 15, as far as they can be understood because of their indefiniteness, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Winter 5,160,805, note for example Fig. 1.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claim 5, as far as it can be understood because of its indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Winter 6,148,831 or Winter 5,160,805 in view of Burczynski. Both Winter patents disclose the invention substantially as claimed. However, the Winter patents do not disclose a bullet wherein the front face of the internal core is

Art Unit: 3641

set back from the front face of the front part of the bullet. Burczynski teaches having the front face of an internal central portion of a bullet set back from the front face of the front part of the bullet to enhance mushrooming of the bullet. To have the front face of the internal core set back from the front face of the front part of each of the Winter bullets to enhance mushrooming of the bullets, as taught by Burczynski, would have been obvious to one having ordinary skill in the art at the time the invention was made.

12. Claims 10-12, as far as they can be understood because of their indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over either Winter 6,148,731 or Knappworst et al in view of Dickerman. Winter and Knappworst et al disclose the invention substantially as claimed. However, Winter and Knappworst do not disclose ribs on part of the surface of the internal core. Dickerman teaches using longitudinal projections on the surface of an internal core of a bullet to prevent rotation of the core with respect to the body of the bullet, note element 22 in Fig. 3 and lines 24-34 of page 2. To employ longitudinal ribs on either the Winter internal core or the Knappworst et al internal core to prevent rotation between the cores and the bodies of the bullets, as taught by Dickerman,

Art Unit: 3641

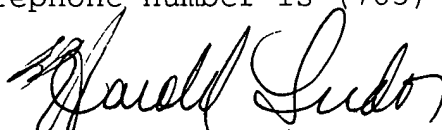
would have been obvious to one having ordinary skill in the art at the time the invention was made. It would have been an obvious design choice to one having ordinary skill in the art at the time the invention was made to vary the number of projections to achieve a desired result.

13. Newton, Watson, Avcin, Denis, Petrovich et al 5,365,853 and Schirneker 4,655,140 are cited as being of interest in that they disclose composite bullets.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold J. Tudor, whose telephone number is (703) 306-4172.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


HAROLD J. TUDOR
PRIMARY EXAMINER